

DO NOT REMOVE  
FROM THE FILE

THE EFFECTIVE DATE OF THIS ORDINANCE IS March 5, 2002

ORDINANCE NO. 02-05-301

ORDINANCE OF  
THE BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

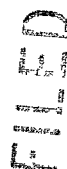
Re: Amendment to Section 1-20-8(E) of the  
Adequate Public Facilities Ordinance

RECITALS

In 1998 and 2000, revisions were made to various provisions of the County's Adequate Public Facilities Ordinance, which is codified as Chapter 1-20 of the Frederick County Code.

During the prior revision proceedings, the Board was clear in its intent to allow extensions of APFO approvals of residential subdivisions without further testing for facilities for which the developer had already mitigated inadequacy. The property would still be subject to school testing and not qualify for an extension if schools serving the parcel did not satisfy the requirements in the Ordinance for adequate capacity.

Notwithstanding this previously stated intent, several individuals and entities have appeared before the Planning Commission asserting an interpretation of subsection 1-20-8(E)(4) that would require approval of an extension request even where schools serving the site do not have adequate capacity available for the students to be generated by the proposed development.



APR 15 2 30 PM '02

SANDRA K. DALTON

cc: CAO, PLANNING, PUBLIC WORKS, DUSWM, GROSSNICKLE, [unclear]

By proposing this text amendment, the Board desires to revise the language of Section 1-20-8(E) to remove any possible doubt as to the intent of the Board that a request for an APFO approval extension for a residential subdivision requires the development to meet the requirements of Article VI, Section 1-20-61 of the Ordinance.

The Frederick County Planning Commission considered the proposed text amendment at its February 13, 2002, public hearing and recommended approval of the proposal.

The Board of County Commissioners held a duly advertised public hearing on these proposed revisions on March 5, 2002, at which time the public had an opportunity to comment.

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND that Section 1-20-8(E) of the Frederick County Code be amended as follows:

Section 1-20-8. Approval of subdivisions, site plans.

- (E) At the request of the developer, the Planning Commission shall extend the approval of adequate public facilities beyond the time frame provided in Section 1-20-8(D) above if the Commission finds:

[(1) Repealed;]

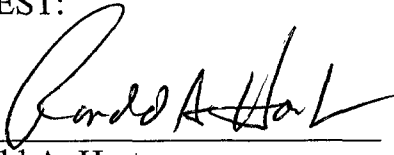
[(2)] (1) All conditions of approval are being met; AND

[(3) All road, water and sewerage improvements specified in the adequate public facilities letter of understanding have either been vested (under Sections 1-20-31(G), 1-20-41(E), or 1-20-51(E)) or are otherwise adequate; and]

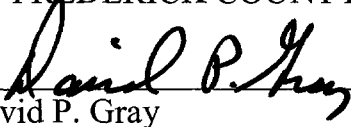
[(4)] (2) All unrecorded lots or unbuilt site plan structures [are either vested (under Sections 1-20-31(G), 1-20-41(E) or 1-20-51(E)) or] meet the requirements for adequate school, road, water and sewerage capacity; OR CAPACITY IS VESTED FOR IMPROVEMENTS CONSTRUCTED FOR ROADS (1-20-31(G)), WATER (1-20-41(E)), OR SEWER (1-20-51(E)).

The undersigned hereby certify that this Ordinance was approved and adopted n this 5<sup>th</sup> day of March, 2002.

ATTEST:

  
\_\_\_\_\_  
Ronald A. Hart  
County Manager

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
\_\_\_\_\_  
David P. Gray  
President (SEAL)

MFC 3/6/02